

TAIPING TOWN COUNCIL

This study could not be possible without the kind assistance given by A CRITICAL STUDY OF ITS INTERNAL ORGANISATION AND ITS ROLE IN LOCAL DEVELOPMENT sent out of his way in order to be published.

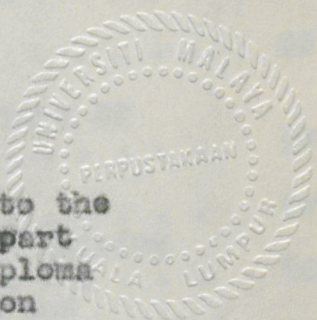
by

Abdul Razak bin Hussain

088228

HB 31  
62/PJ  
H-104

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The writer alone is however responsible for all

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This lack of interest in the affairs of local government is not easily explained. True, the system was largely imposed by the administration and not the result of a spontaneous expression of indigenous feeling.

## CHAPTER I

### INTRODUCTION

The same however could be said about the state and federal Field Delimitation which do not, fortunately, suffer from the

same lack. It is not the intention of this paper to present a detailed study of the machinery of local government in Malaysia nor is it proposed to discuss the merits and demerits of the system. The objective of this paper is two-fold: to study the system of administration in Taiping Town Council or more precisely to define its internal organisation and to locate the areas where decisions are made and to determine who are responsible for making them (PART I) and further to study the role of the Council in the development of its area (PART II). Generally the extent of autonomy of local

#### Taiping Town Council in Perspective

The subject of local government is not one of the popular topics for academic researches and one cannot help but feel concern at the serious lack of literature on this particular subject. One reason why this is so is because of the general absence of interest in local government among the populace. Until a short while ago the same could be said of the attitude of the people towards the Central and State governments but the situation have changed quite dramatically since then. Apparently this enthusiasm stopped rather short of reaching local government. Under the



This lack of interest in the affairs of local government is not easily explained. True, the system was largely imposed by the colonial administration and not the result of a spontaneous expression of indigenous feeling. The same however could be said about the state and federal administration which do not, fortunately, suffer from the same lack of enthusiasm. One reason that seems to suggest itself is that local government has not been given the degree of independence that warrants recognition. This is to say that the exercise of external control over local government is considerable. The power of local government is restricted enough to drain away the glamour that it could do with.

The system of local government in Malaysia is complex although the overall pattern resembles the parent English system. Generally the extent of autonomy of local authorities is more restricted as compared to the practice in England.

The types of local authorities now in existence are shown in Table I.

Taiping is a financially autonomous Town Council which simply means that it is a Town Board with a majority of elected members and declared fit by the Ruler-In-Council to look after its own finances. Though Town Councils could have elected presidents, Taiping Town Council is still presided by an appointed officer selected from among the Malaysian Home and Foreign Affairs Division. Under the



provision of the Town Boards (Amendment) Ordinance of 1954, Taiping Town Council is a statutory body having a fund of its own the surplus of which is not claimed by, the state government. This so called 'financial autonomy' is a great leap in status and prestige beside being legislatively recognised as being competent to finance its own affairs.

TABLE I<sup>1</sup>

THE TYPES OF LOCAL AUTHORITIES

<u>Types</u>	<u>No.</u>
Cities	1
Municipalities (including Kuala Lumpur)	3
Town Councils (financially autonomous)	25
Town Councils (not financially autonomous)	11
Town Boards (financially autonomous)	5
Town Boards (not financially autonomous)	32
Rural District Councils (financially autonomous)	4
(exist only in Penang and Malacca)	
Rural District Councils (not financially autonomous)	3
(exist only in Penang and Malacca)	
Local Councils (exist only in New Villages)	296
New Village Committees (exist only in New Villages)	181
Total	<u>561</u>

Finally in concluding this introductory chapter it is relevant to emphasise that local authorities cover only a small proportion of the area of the country but since these areas are in the main urban a fairly high percentage of the population. The greater part of the country is administered directly by Federal or State government officials not responsible to any local government authorities.

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<sup>1</sup>R.S. Milne: Government and Politics in Malaysia. Page 167. (Houghton Mifflin Co. Boston 1967).



Taiping Town Council covers an area of only about 9 sq. miles and at the 1957 census it has a population of 48,199. The current estimate of its population is between 60 - 70,000.

Like all local authorities (except the Mayor), Taiping is subordinate to the State Government. It is not a city council. It is a town council. For the purpose of administration a Town Council for local Government was established in 1957. It is on the same line as the District Municipal Council and the National Land Council. The purpose is to formulate a national policy for the promotion, development and control of local Government. The policies decided by the Council are binding on both the State and local Government. It follows therefore that the power of the Town Council is subject to control both at the State and National Government.

The legal powers which are conferred on the Taiping Town Council are of a positive type which means that it has only those powers that have been specifically and positively conferred upon it. It follows that if the Council wishes to do something it must be able to show the relevant sections of the Town Council Ordinance (or any other legislative instrument) which empower it to do the thing.



power to do so. If the Council goes beyond the limitation specified it is ultra vires.

Certainly there is a need to limit the powers of the Council, otherwise it would be a sovereign independent state within a state. This limitation is desirable in an

authority like **THE COUNCIL AND ITS MEMBERS** has not reached the stage of maturity to avoid itself from indulging in un-  
General Legalistic Powers

Like all local authorities (except Kuala Lumpur), Taiping is subordinate to the State Government - Perak in this case. But this is no clear two-way relationship. For the purposes of co-ordination a National Council for Local Government was established in November 1960 organised on the same line as the National Finance Council and the National Land Council. The purpose is to formulate a National Policy for the promotion, development and control of Local Government. The policies decided by the Council are binding on both the State and Federal Government. It follows therefore that the powers of Taiping Town Council is subject to control both of the State and Central governments.

The legal powers which are conferred on the Taiping Town Council are of a positive type which means that it has only those powers that have been specifically and positively conferred upon it. It follows that if the Council wishes to do something it must be able to show the relevant sections of the Town Boards Enactment (or any other legislative instruments) which indicate that it has the



power to do so. If the Council goes beyond the limitation specified it is ultra vires. *of the Taiping Town Council* Certainly there is a need to limit the powers of the Council, otherwise it would be a sovereign independent state within a state. This limitation is desirable in an authority like Taiping where local government has not reached the stage of maturity to avoid itself from indulging in un-essential but more spectacular schemes while neglecting essential functions. The only matter for argument is whether Taiping (and perhaps other Councils too) should have a negatively conferred powers where what is not specifically prohibited is allowed. This method, it is said, has an advantage of fostering local initiatives. Nevertheless it should be realized that even a positive method could fulfil this function provided that the legislative method of conferring new powers in general is simple as is the case with Taiping.

The powers of the Council follow closely along the lines specified by Section 15 of the Town Boards Enactment (F.M.S. Cap. 137) which is attached in Appendix I. The scope is broad enough to keep the Council fully occupied. In addition to this the Council is granted the all-important power to make (and repeal) by-laws for the purposes described in Section 15 of the Town Boards Enactment and for the conduct of its own business subject to the confirmation of the Ruler-In-Council. These by-laws have the same effect as the laws of the Town Boards Enactment.



## General Responsibilities of the Council

Although the working of the Taiping Town Council closely follows the pattern set in Appendix I as indicated above, its activities does not cover the whole range of items listed thereon. A good picture of the work of the Council may be obtained by glancing at the number and types of committees in existence. These committees are listed fully in Appendix II. More will be said about the committees in later paragraphs. Now it is useful to evaluate the act of decision-making of the Council.

At the onset it has to be stated that we are concerned only with internal decision-making, that is, we are concerned with the decision made by and within the Council only and we shall not touch upon decisions that are imposed upon the Council either by the State or Federal Government. This type of decisions is important but it lies beyond the scope of this paper.

(a) A system of decision by majority vote is adopted. This decision then becomes the decision of the Council.

(b) There are two main methods of reaching majority decisions namely by a show of hands or by ballot whenever it is expedient to do so. To a certain extent the Council is free to make its own internal arrangements and to choose the means and methods of how it is going to discharge its responsibilities. It made its own by-laws for the conduct of its own business subject of course to the approval of the Ruler-in-Council. It is also empowered to appoint committees



consisting of members of the Council to enquire or report on any matter under its responsibilities but the proceedings of any such committee is subject to the confirmation of the Council. Thus even if much of the work on a certain matter is done by a committee which could be delegated with any of the powers of the Council by the Council, the question of final decision on issues deliberated by committees in regard to policy or otherwise is always made by the full Council itself.

Ordinary meetings of the Council is held at least once a month and except in the case of an emergency, a notice of four clear days is given to the members. During the meetings the following documents are tabled in the order they are set below:-

- (a) Health Returns
- (b) Financial Statements
- (c) Minutes and/or reports of Committees
- (d) Decisions taken after circulation of papers to Councillors
- (e) Any other documents which require the attention of the Council

Thus it is possible for decisions to be made by circulation but if the system of circulated papers is adopted, it is necessary to table the views of the majority of the Councillors during full Council meetings. Only then could it be considered as the Decision of the Council.

The Chairman and Members of the Council

The Council is made up of 15 elected and 2 appointed



members (both of whom are appointed by the state government). The composition of the Council is a good indicator of the stage of development that Taiping has reached as far as local government is concerned. Members of the Council could all be appointed or all elected or anywhere between the two extremes. The ultimate aim is for all members to be elected. As late as 1954, Taiping was still a Town Board with all its members nominated. Total membership then was 15 out of which 5 were officials. After the first election of 15th August 1954 the nominated members were reduced to 6 of which 3 were officials and the elected members 9. The Council further progressed in 1958 when elected members were increased to 12 and nominated members reduced to 3, all officials (an administrative officer from the M.C.S. who also act as the Chairman, the local Medical officer and the local Engineer). In 1960 the number of elected members was brought up to the present figure of 15. Now the Council has 17 members made up of 2 officials, the Chairman and the local Medical officer and 15 elected members. The election of Councillors follow along the same lines as the General Elections. The Council area is divided into 15 electoral wards according to size of the population. However it was only after the passing of the Local Government Elections Act 1960 that elections were contested along party lines with party symbols. Prior to 1960, local authority elections were supposed to be free from the impact and effects of party politics. By 1960 it was generally accepted



that it was not possible to exclude party politics entirely from the affairs of local authorities. It should nevertheless be noted that the success of Independent candidates seems to indicate that personalities is more important in local elections than in state or national elections.

The Chairman of the Council is appointed by the Ruler-In-Council from among the timescale officers in the Home and Foreign Affairs Division. He is an experienced administrator, not a political man. He is a full-time Chairman of the Council. He need not be conversant with the affairs of the Council prior to his appointment and he need not be a Taiping or even a Perak man. Even more relevant still is the fact that the Council has no say whatsoever in his appointment. His transfer and appointment is part of the normal transfer exercise among officers serving in the state and is the sole responsibility of the state government or more precisely the State Secretary. The Chairman acts on behalf of the State government and he is responsible to the State Secretary. This fact more than anything else governs and determines the functional behavior of the Council Chairman.

#### The Work of the Council

It is tempting to distinguish the work of the Council into 2 broad categories namely policy making and policy execution (or administration), the former being the areas solve in which Councillor should be concerned with while the latter should be left to the paid officers or the so-called executive body. This approach would serve little



purpose however, since it demands an acceptable definition of what is policy and what is administration. It is maintained that it is virtually impossible to lay down what is policy and what is administrative detail. To quote an authority, "Some issues stand out patently as important and can be regarded as 'policy'; other matters seemingly trivial may involve political or social reaction of such significance that deciding them becomes a matter of policy and members feel that they must reserve to themselves consideration and decisions on them."<sup>1</sup> Thus it would be more meaningful if a more practical approach of seeing what are actually done by Councillors and what are done by officers is adopted.

Councillors perform their duties at 2 levels: at the level of the full Council and at Committee level.

### The Committees

The actual work of the Council is largely the considerations of the reports of its committees. With important variations, the Committee system is much like the English Committee System. All the committees are Ordinary Committees formed under the provisions of Section 10 of the Town Boards Enactment which stated that:

"A Town Board may from time to time appoint committees consisting of members of the Board and may refer matters relating to any of the purposes of this Enactment to any such committee for enquiry or report and may delegate to any such committee any of the

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<sup>1</sup>See Committee on the Management of Local Govt.: "Management of Local Government" Vol. I, page 30.



powers of the Board under this Enactment and may at any time dissolve or alter the Constitution of such committee provided that any such committee shall conform to all orders and instructions of the Board and that any proceeding of any such committee shall be subject to confirmation by the Board."<sup>2</sup>

All the committees formed by the Council are Standing Committees. There is at the moment no 'ad hoc' committees. This means that the committees are expected to continue for as long as that kind of work is entrusted to the local authority or until there is some general reorganization. The members of the committees may (and they of course do) change from time to time. It is useful to divide committees according to their functions and into what is generally known as "horizontal" and "vertical." Taking examples from Taiping Town Council itself, the Committee could be represented like this:-

Vertical Horizontal	Traffic	Market, Street Stalls & Hawkers	Town Planning	Zoo & Lake Gardens
	Finance & General Purpose			
	Selection and Disiplinary			

Vertical Committees each deal with a particular service that is run by the Council. Horizontal Committees cut across the different activities, that is they deal with matters that affect all the services. Of the 12 committees

<sup>2</sup>The Town Boards Enactment. Section 10.



in existence 6 are horizontal committees namely Finance and General Purpose Committee, Tenders Committee, Valuation Committee, Standing Orders Committee, Selection and Disiplinary Committee and Committee to sign Deeds and Documents etc. The Valuation Appeals Committee appears to be more of a vertical than horizontal type. The Chairman of all these committees is the Council Chairman himself.

Members of Committees need not necessarily be drawn from Council members only. Any person whose service is required could be co-opted as a member of a committee,<sup>3</sup> but this power to co-opt outside members is sparingly used of by the Council. In fact only one committee - the Town Planning and Building Committees - has a co-opted member (see Appendix II). The Town Engineer, the Army and Police representatives attending the Traffic Committee are not members of the Committee (Appendix II). As apparent from the earlier quoted Section 10 of the Town Boards Enactment, the Council could delegate any of its powers to committee - much like the practice in England. This delegation explains at least in part, the independence and power of committees in English local authorities - an independence which is being increasingly criticised. Taiping Town Council has, wisely it is maintained, refrain itself from utilizing this special provision to delegate its powers

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<sup>3</sup>See Section 11 of the Town Boards Enactment.



to the committees it created. Doubtless this delegation of powers, in itself is beyond criticism. Nevertheless once this power is delegated there is a tendency for committees to grow possessive and jealous of their powers. This could not only open the way for the misuse of powers but it could also lead to the growing independence of each committee resulting in little co-ordination in their work.

As can be seen in Appendix II, there are altogether 12 committee in Taiping Town Council. Considering the types of activities carried out by the Council and the actual size of the Council itself, the total number of committees is excessive and it is doubtful whether the responsibilities given to some committees justify their existence. It is not readily explained why there are so many committees. Perhaps there was a tendency to form committees at the slightest excuse without really assessing the need of a totally new committee. It could also be due to the desire of allowing members to attend sufficient number of meetings to earn in their maximum monthly allowances of \$100/= . (This could not be the main reason since the difference between the minimum fixed allowance and the maximum allowance possible for any month is merely \$50/= - too small an amount to act as an effective party reward). Nevertheless it is relevant to draw the attention of readers to the Report of the Committee on the Management of Local Government appointed to recommend on how to ensure the maximum effectiveness of local authorities in England and Wales. The Report suggested



that in an all purpose authority "it should be possible to reduce their number (committees) to about 6!"<sup>4</sup> This is not to suggest that whatever is recommended as being good for the English Authority is good for the local system but however we view the problem, there are advantages to be derived by reducing the number of Committees. Movement towards this objective may not only further reduce the problem of co-ordination but more important it may lead to a more meaningful and efficient running of the Councils' affairs. Incidentally, it may also save some Council money.

The reduction in the number of committees may be achieved either by dissolving committees whose functions could be more effectively performed by the administrative officers or more practically by grouping similar or related functions under one committee. This reduction may only be satisfactorily done by people who are most familiar with the Council Affairs, like Senior members or officers or a group consisting of both, for it is only these people who are in a position to determine what is necessary and what is not. An outside person or body is not competent to carry out this important re-organization and it is therefore not intended to list here concrete propositions on the number and types of committees that the Council should have.

The number of members of each committee varies

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<sup>4</sup>Ministry of Local Government: Report of the Committee on the Management of Local Government, Vol. I, page 44.



from 4 for the Committee to Sign Deed, Documents, etc, to a figure of 9 for the Finance and General Purposes Committee. Needless to say it is not wise for all committees to have the same number of members. The size of a committee should be related to its functions and importance. It is however considered as self-defeating for a Council of 17 members to have large committees of 8 or 9 of its own members (the all important Finance and General Purposes Committee could be excluded from the general remark). It would not be right to have too big a committee if the purpose of having committees is to free members from excessive amount of detailed work and to give them more time to concern themselves with major decisions based on recommendations of compact committees. On the other hand if the committee is too small there exist the danger of presenting narrow viewpoints to the Council resulting in the full Council debating matter again at length. Bearing in mind the size of the Taiping Council, it is suggested that an ideal figure would be about 6 members to a committee, including the Chairman.

The duration and frequency of committee meetings vary between different committees and even within the same committee at different times. It is fair to put the average duration of committee meetings at around one hour. There is no law or by-law specifying the minimum frequency of any committee meetings. Still, some committees like the Finance and General Purposes Committee meet fairly frequently. The matters for the discussion of the various committees are not



so very clear. Apparently the area of concern of each committee follows much along lines previously adopted by the committees in the past. There is no terms of reference specifying the duties and functions of any committee. Bearing in mind the importance attached to the committee system, this absence of definition in the areas of responsibility of each committee is surprising. Apparently it is up to the Chairman of each of the Committee to decide what matters are relevant and what are not relevant for committee discussion. Leaving the Committee Chairman to decide this without any written guidance to assist him is being exceedingly unfair to him. To be sure most of the issues up for committee discussion are clear-cut cases for one or other committees but time and again there may appear issues which are not so clear-cut. For instance a special meeting of the Markets, Street Stalls and Hawkers Committee had to be held on 23rd May 1969 to discuss nothing more than the withdrawal of its earlier decision in allotting stalls in the Beef Market after the Council Chairman (who was not a member of the Committee) protested that the Committee was exercising powers conferred only to the Chairman of the Council. Similar misunderstandings which could be wasteful of time and money not to mention personally embarrassing to the people involved, may be avoided if the sphere of a committee's responsibility is determined and clearly specified. This would be even more necessary if an earlier suggestion about the reduction in the number of committees, is adopted. Few committees could be expected to



function satisfactorily at all times unless their responsibilities and duties are spelled in definite terms.

The Chairman of the Council is automatically appointed Chairman of a committee of which he is a member. The Council Chairman until recently is not, until recently a member of 2 committees namely the Traffic Committee and the Market, Street Stalls and Hawkers Committee and these committees are chaired by an Independent Councillor, appointed by the Committees concerned. Normally committees would be made up of members of the ruling party with perhaps a token representation of the minority parties. If an elected member is to be appointed the Chairman of a Committee, invariably he is chosen from among the ruling members. Taiping Council is Alliance controlled but since no party has a ruling majority<sup>5</sup>, it does so only with the active support of the Independents. In order to retain this support the unofficial leader of the Independents is given the Chairmanship of the 2 committees and two Independent members are members of all committees. The opposition Gerakan members are not represented on committees. The result of this exclusion is that the opposition members could voice their objections only in full Council meetings and objections could only be expected to come from these two opposition members.

In October 1969 the State Operations Council

(b) Communication by the Chairman, if any;

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<sup>5</sup> Composition of elected members: Alliance = 5, Independents = 5, Gerakan = 2. The other 3 seats vacant. (Taiping) Business By-laws, 1969.



directed that the Council Chairman must sit in all committees. It was understood that this action was prompted by certain amount of mismanagement by elected members in local councils (not Taiping). This move has wide implication in that it not only gives more power to the appointed Chairman but is also an indirect expression of lack of faith in the ability and competence of elected members to manage local affairs. It certainly is not a step forward towards the realization of the ultimate aim of local government as stated earlier on that is the management of local affairs by fully elected representatives.

As stated earlier, no power of the Council is delegated to the committees and normally no decision of committees could be acted upon until it is confirmed by the full council. This procedure could be time consuming but it in the past solves the problem of co-ordination and the system is found to be functioning satisfactorily in Taiping.

#### The Full Council

Ordinary meetings of the Council must be held at least once a month.<sup>6</sup> The normal duration of Council meetings is about one-and-a-half hours. The order of Business at a meeting is as listed below:-

- (a) Confirmation of the minutes of the last Council meeting preceding meeting;
- (b) Communication by the Chairman, if any;

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<sup>6</sup> See Section 3 of the Conduct of the Town Council (Taiping) Business By-laws, 1959.



- (c) Presentation of papers, including reports of committees, by laying on the table;
- (d) Deputation
- (e) Questions of which notice has been given and answer thereto;
- (f) Any motion or other business which in the opinion of the Chairman should precede the remaining business of the day;
- (g) Motions of which notice has been given;
- (h) Adjournment.<sup>7</sup>

Virtually all meetings however proceeded with the confirmation of minutes of the last meeting, followed by the Communication by the Chairman and presentation of Committee reports, monthly returns, etc., after which the meeting is adjourned. This procedure of Council meetings goes a long way to emphasise the importance of the Chairman and committees in the general running of the affairs of the Council. The presentation of reports are merely by "laying on the table" and not by formal presentation by the Chairman of each committee. Since the committees are made up of members of the majority party (or rather a coalition) in the Council, committee recommendations are rarely if ever rejected or even referred back. In fact many minutes of committee meetings are passed without debate. Full minutes of the Council proceedings are submitted to the Ruler-In-Council as soon as possible after the meeting. In theory, this is a method of control over the activities of the Council but in

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<sup>7</sup>See By-laws for the Conduct of the Town Council (Taiping) Business 1959, Section 8.



practice it is questionable whether the minutes are even really looked at unless special attention is drawn to a particularly important issue. Control by the state government is more effectively exercised through the Chairman who exercises his functions on behalf of the State government.

Decisions of the Council are made by a simple majority of the votes of the members present and in the case of a tie the Chairman is given a second or a casting vote. However the power of the Chairman is much wider than just having a position of positive influence over the members and a casting vote. He could in theory and practice over-rule the views of all the other members of the Council. In cases where he is the only one opposing the majority views, he could submit his reports and recommendations to the Ruler-In-Council, whose decision would then be final.<sup>8</sup>

The function and responsibility of members of the Council as opposed to that of officers of the Council are vital in this study and as such will be treated in a separate chapter (Chapter IV). In the next chapter we shall first examine how officers are organised to carry out their functions.

Because through practice they are found to be best suited to carry out the duties and functions of the Council. Every officer of the Council must inevitably fall under one of the six sections except for the Council Secretary and of course the Council Chairman. In the organi-

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<sup>8</sup> See The Town Boards Enactment - Section 14 (iii).



national short produced by the Council the Secretary's place is just below that of the Chairman himself. In practice this is true only to a

### CHAPTER III

The Secretary attends all committee and Council meetings and he is responsible for preparing the minutes of meetings. The present holder of

#### THE OFFICERS OF THE COUNCIL

General Set-up is the acting Accountant. Since he prepares

the minutes. On the so-called executive side the Council is divided into six sections each headed by a principal officer in the name of the Town Engineer, the Town Supritendent, the Public Health Officer, the Valuation Officer, the Finance Officer (now just a financial clerk) and the Chief Clerk.<sup>1</sup>

It is not intended to detail out the duties and responsibilities of each section and each individual officer within a section for it would be not only tedious but for our purpose entirely unnecessary. A fairly broad idea of their responsibilities could be gathered through the title of each principal officer. What is important to bear in mind is that these six sections come into being through years of Council Custom and tradition and not as a result of any codes of law. It could be reasonably said that they came into existence because through practice they are found to be best suited to carry out the duties and functions of the Council. Every officer of the Council must inevitably fall under one of the six sections except for the Council Secretary and of course the Council Chairman. In the organi-

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<sup>1</sup>Not arranged according to seniority or importance.



sational chart produced by the Council the Secretary's place is just below that of the Chairman himself. In practice this is true only to a certain extent. The Secretary attends all committee and Council meetings and he is responsible for preparing the minutes of meetings. The present holder of the post is also the acting Accountant. Since he prepares the minutes of all meetings he is well aware of all the proceeding of meetings and as such well-placed to co-ordinate the work of the various sections. However the seniority of the post (at least the principal officers' view of the post) does not give him sufficient power to effectively co-ordinate the Council's work. The only person who could effectively co-ordinate the work of the various sections is the Chairman himself. As such it would be more meaningful if under the present arrangement and division of work, the Secretary is placed at the head of what could be called the General Section now headed by the Chief Clerk. This could not of course be done unless and until the post of the Secretary and Accountant (or more appropriately called the Treasurer) are separately filled with the Treasurer heading the finance section. This would be more in line with the existing practice. It may of course be argued that the Chairman need assistance from the Secretary and this assistance could be more effective if the Secretary is not attached to any section. It is, however, maintained that if principal officers are appropriately made used of the Chairman will have to concern himself with little of detailed sectional



supervision and the Chairman could carry on with his existing duties. The General Section should however have to be of less autonomous than say the Engineering section. It therefore becomes a section serving all the other sections. This arrangement does not prevent but in fact assist the Secretary to carry out his present functions.

Beside seconded officers which numbers ten in all (not including the Chairman) all officers are Council employees. These seconded officers have been serving with the Council for quite some time and it seems unlikely that they will move to other offices in the near future, if ever at all. The Ruler-In-Council may appoint the Secretary, Health Officer, Inspectors and "other officers as may be necessary for the purposes of this Enactment," by notification in the Gazette,<sup>2</sup> and appoint any member of the Council to be Chairman.

In practice it is rather rare for the Ruler-In-Council to appoint minor officials. The Chairman certainly needs to be appointed by the Ruler-In-Council but other officials need not always be so appointed. The present process of appointing a Secretary is a good example of what actually happens in practice. The post of Council Secretary has been vacant for quite some time now. In fact it has been found necessary to persuade the retired Secretary to fill the post on a month-to-month basis. The Council sets the

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<sup>2</sup> See Town Boards Enactment, Section 3.



necessary minimum qualifications which normally follows the government requirement for the same grade of appointment. The vacancy is then advertised and applications are requested to be directed to the Chairman himself. However, prior to this the Chairman had obtained the agreement of the Council to let the state government to select the short-listed applicants for this "important"<sup>3</sup> post. At the time of writing the final selection has as yet to be made. In the Board of Selection it is certain that Chairman would be the lone representative of the Council - the others being officers of the state government. This arrangement is made by the Chairman with the consent of the Council members. It would be extremely interesting if disagreements exist between Council members and the Chairman over this matter. Clearly there is very little that the members could do to oppose the move by this Chairman.

The employees of the Council is ultimately responsible to the Council or more appropriate to the Chairman. Since administratively the employees are emplaced into sections, they in practice are responsible to sectional heads or principal officers. The sectional heads decide matters relating to their sections and they are responsible only to the Chairman himself. In normal day-to-day work they may, and often are pressured by Council members but the full significance and implication of this interference

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<sup>3</sup>Termed as such by the Chairman.



will be discussed later in the next Chapter.

No section could exist independently. There is close co-ordination between sections and one section requiring assistance from another faces no barrier or any form of red-tape which is extremely commendable. Staff requirements and staff problems are not just the concern of principal officers but that of the Council as a whole. Integration in the work of the Council is not left to chance but rather consciously maintained by having regular meetings of heads of sections together with the Secretary/Accountant with the Chairman. This important meeting is supposed to be held on Saturdays. Since it has to be held with the presence of the Chairman, it has not always been possible to have meetings every Saturday because of his absence. Even then the importance of this kind of meetings is realised and it is considered vitally necessary for the smooth running of the Council to have a meeting at least every fortnight or at the very least once every three weeks. The frequency of this meeting should be greater than that of any committee meeting in order to ensure that principal officers are up-to-date with the general activities of the Council prior to a meeting with members.

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Each of the discussion follows along the lines adopted by the Committee on the Management of Local Government in their Report on the Management of Local Government Vol. I pages 26 - 42. Extensive modifications are, however, made in order to suit local conditions.



There must be clear responsibilities among members and officers. The demands on the time of members should be sparing and should be in areas which are their responsibilities. Said officers should be fully utilized and their skills used to AND OFFICERS advantage.

## CHAPTER IV FUNCTIONS AND RESPONSIBILITIES OF MEMBERS AND OFFICERS

### The Existing Practice in Taiping Town Council General<sup>1</sup>

The internal organisation of Taiping Town Council has been described in detail in the previous two chapters. The management and execution of governmental duties are more difficult as compared to that of private organisation because of the existence of two groups of people namely members and officers. It is obvious that some kind of division of work is necessary in order to ensure that one group complement the other and the very existence of the two different sets of people suggest that their roles and functions are different. More often however we find that the work of the two groups not only duplicate but at times even conflict with one another. Taiping Town Council has an added problem in the fact that some of the members of the Council are also officers though perhaps this could also be viewed as an asset depending on how one looks upon the issue. The Chairman of the Council is also the Chief Executive. This dual role of the Chairman is examined in greater detail later.

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<sup>1</sup> Much of the discussion follows along the lines adopted by the Committee on the Management of Local Government in their Report on the Management of Local Government Vol. I pages 36 - 43. Extensive modifications are, however, made in order to suit local conditions.



request. There must be clear responsibilities among members and officers. The demands on the time of members should be sparing and should be limited only to areas which are their responsibilities. Paid officers should be fully utilized and their skills used to the greatest advantage.

### The Existing Practice in Taiping Town Council

The internal organisation of Taiping Town Council has been described in detail in the previous two chapters. Nowhere in the two chapters was an attempt made to define areas of responsibilities of members and officers and this is due entirely to the absence of a clear division of functions and responsibilities of members and officers. The functions and responsibilities of members seem not only to be vague but also changing from time to time and the change in their roles more often than not coincides with the change in the Chairmanship. It is maintained that in order to ensure that the Council function effectively and efficiently, and in order to avoid conflict and misunderstanding between members and officers, it is necessary to define the division of functions of members and officers. To get an insight into how the Council does its work it is necessary to make a closer study: to approach principal officers and even more

Example I: Ifs with their problems and requests. At times

If extra staff is required by a section the public principal officer of that section is given an opportunity to submit a request at the time when he presents his annual sectional estimate of its income and expenditure. This



request is channelled to the Secretary of the Council and later discussed during the senior (or principal) Officers meeting. If considered reasonable this request is then presented to the Selection and Disciplinary Committee which before making a final decision on the matter, refers to the finance and General Purposes Committee to ensure there is sufficient funds to meet the new expenditure. This request would then form an item in the new budget and once it is approved by the Council and confirmed by the Ruler-In-Council, action could be taken to take in the extra staff.

#### Example II

Up till the beginning of this year, it has been the practice of the Council to select labourers through a committee chaired by the Council Chairman himself. With the appointment of the new Chairman of the Council (the present Chairman) the procedure has changed. Selection and appointment of labourers are now considered "administrative" matters and as such should not be the concern of members. Rather they are the functions and responsibilities of officers. It would not be useful to take the existing practice to act as a guide in our attempt to suggest a new approach in achieving an ideal working relationship between members and officers because what could be called standard practice

#### Example III

It has been found that time and again Council members tend to approach principal officers and even more junior staffs with their problems and requests. At times it should be remembered that what is normally regarded as the members represent individuals or a section of the public while at other times they appear as members or chairmen of committees asking for information and at times even of favours. There is nothing unusual about this. It happens



everywhere, at all levels of government. Nevertheless it could and usually it does create problems. For one thing it places the officer concerned in a rather awkward position. He has his own lines of responsibility and direct requests by members may or may not be, procedure-wise, correctly met. He does not know what information could be given to the enquirers and what could not be given. If he submits to the requests he places himself in a vulnerable position and if he does not he is likely to offend the Council members. It should be pointed out also that there exist a

#### Observations, Conclusions and Recommendations

From the above examples it is obvious that there exist a lack of understanding of the functions and responsibilities of members and officers. It seems that this lack is more serious in regard to members than officers. It would not be useful to take the existing practice to act as a guide in our attempt to suggest a new approach in achieving an ideal working relationship between members and officers because what could be called standard practice never really exist. The practice vary from time to time and to a great extent it is directly related to the character and personality of the Council Chairman. Nevertheless it should be remembered that what is normally regarded as a good and successful Chairman is not necessarily one who is able to devise the most efficient internal organization of the Council but rather one who is able to



create a good public image of himself. In a sense this in effect means that the Chairman is more looked upon as, and expected to be more of, a political figure or a Mayor than as an administrator. However, since the Chairman is appointed from among administrative officers, it is rare for him to act entirely according to public expectations and the generally efficient service and satisfactory running of the Council more than speaks for itself the ability of the Chairman in the exercise of his powers. It should be pointed out also that there exist a great deal of regard, respect and faith among the elected members towards appointed officers particularly towards the Chairman himself. This is shown in the reaction and adjustment of members towards the ideas and suggestions of the Chairman. For instance in Example II above it is shown how a new Chairman withdraws the powers which were formerly conferred upon members of a committee. It is to be expected that members should be reluctant to part with their acquired powers and it is normal for members to guard their powers jealously. Yet the action of the Chairman was met with surprisingly little or no opposition in whatever form. It is thus safe to conclude that whenever a new Chairman is appointed it is the members who adjust themselves to fit with the views of the Chairman instead of vice versa. This high regard for the Chairman is in part due to the generally high reputation of the Malaysian Civil Service and in part due to the extensive powers conferred on the post of the Chairman.



In the following suggestions for clarification, modification and standardization (reform is too strong a word to apply) it is, important to remember some of the basic principles which should guide our thinking. Firstly it must be our aim to ensure the existence of an effective and efficient system. Secondly, in order to attain our first aim it is necessary to define clearly the division of work between members and officers. Finally since the organization is geared to serve the public, it is not only necessary to present a system comprehensible to the public but the system should be enacted in such a way as to ensure that it also responds to the needs of the public.

Also it should be indicated that the following recommendations have to be based on the important assumption that Taiping should be run by a Council basically similar to the existing one, that is, with an appointed Chairman heading it. It is not the intention of this paper to say whether Taiping is suited or not suited to be governed by a town council system of local government. The purpose is more to determine how the Council is to be organised given the present system.

Based on the above principles it is recommended that the Council carry out a study on the division of functions and responsibilities between members and officers, and after a study is made it is important to state clearly and precisely on paper what should be the area of concern of each group of people. It seems clear to the writer that it



is the spirit and the purpose of the system to confer the ultimate control and direction of the affairs of the Council on members and therefore it follows that all key decisions on the objectives of the authority and the way to attain them are to be left to members. Also it is the responsibility of members to review progress and performance of the Council activities periodically.

Officers should be responsible for the provision of the necessary staff work and advice, to assist members in their roles of setting objectives and making key decisions in regard to the method of attaining these objectives. Also it should be solely the responsibilities of officers to carry out the day-to-day administration of the services, to carry out routine inspections and controls and even to make decisions on case work. It should be noted that this is quite different from the often repeated view that officers should only be concerned with 'executive' or 'administrative' matters and 'policy' decisions should be left entirely to members.

It may be argued that it is not always apparent what are 'key' issues and what are not. Also there is the problem of determining who to decide what are key issues. However, these problems are merely academic. In day-to-day work it is not all that difficult. Experienced principal officers and the Chairman himself familiar with their work should have no difficulty in distinguishing "key" matters that should be referred to the Council members.



Referring back to Example II given above, if the recommendations is followed it is obvious that it is the duty of members to determine what type of staff is required by the Council and it still is the duty of members to decide how many of this type of staff that should be recruited. Actual recruitment, including shortlisting, interviewing and appointment should be left entirely to officers. To ensure that the selection has been done in a proper manner, it is within the function and in fact it is the duty and responsibility of members to review periodically the work of the officers.

Members interference of the kind mentioned in Example III should be done away with entirely unless this approach is part of the normal process of review. Members must have sufficient faith in the ability and integrity of officers of the Council to allow them to carry out day-to-day administration. Nevertheless due to the nature of much of the work it may be necessary to have clear channels of appeal to members in regard to decisions made by officers. This is consistent with the recommendation that ultimate control and direction must be with members.

The Council Chairman is in a special position by virtue of being both a member and a full time official of the Council and the fact that he heads both groups puts him in an even more special position. His powers as indicated earlier are enormous and his role is extremely complex. It is not intended to list out his full duties and responsi-



lities here. All that is relevant to do is to examine how he fits in with our earlier recommendations.

Being the Chief Executive and the Chairman of Council, he is the vital link between members and officers. All dealings between members and officers must correctly be channelled through the Chairman or at the very least with his knowledge and approval. It is not the intention to encourage 'red-tape' but rather the intention is to eliminate misunderstanding between members and officers resulting from improper members interference. Some of the powers of the Chairman could and in fact should be delegated to the principal or senior officers to relieve himself from excessive pressure of work. It would not be in the cause of efficiency and effectiveness if this clear definition of duties and responsibilities create a gulf or barrier in the relationship between members and officers. Although the definition of duties will inevitably create consciousness of the differences in the role of the two sets of people, it should not result in the formation of two opposing teams separated by conflict and difference in points of view. The idea behind the suggestion is to eliminate conflict and tension between the groups and it is contended that a more healthy relationship would result if each group is aware of each other's area of responsibilities and duties. Both members and officers have their roles to play. They should and they must compliment each other.



PART II

CHAPTER V

DEVELOPMENT IN PERSPECTIVE

Development and Local Government

It has been said that "it is impossible to administer any nation entirely from the centre."<sup>1</sup> But although decentralisation exists, Malaysia, like many other developing countries seems to have greater faith in centralisation, in spite of the existing Federal system. Writing on Malaya alone, Wheare, an authority on Federalism suggested that the government of this country was more of a quasi-federal than strictly federal type principally because of excessive centralisation.<sup>2</sup>

This is in part due to the belief that the survival of the nation require governmental unity against external and internal enemies. Also it is realised that peoples' aspirations could be met only through large scale operations covering the whole country. Besides, there is a scarcity of high quality and well-trained leaders and naturally enough these people are absorbed by the Central Government whose

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<sup>1</sup>Harold F. Alderfer: Local Government in Developing Countries (Mc Graw-Hill Book Co. 1964).

<sup>2</sup>K.C.Wheare: Federal Government (E.L.B.S and Oxford University Press 1968) 4th Edition. Pages 28 - 29.



needs are more urgent.

Writing more generally, Alderfer, in his book "Local Government in Developing Countries" said:

"Local government is one of the keys to sound administration. Local units must be strong enough to carry a substantial part of the total national load. Central government must organise them, grant them adequate financial resources, service them with administrative and technical assistance, stimulate and guide their activities in the direction of national goals. While it must exercise control to keep them within legal bounds, it should allow them as much freedom as possible so as to utilise the potentials of local leadership and democratic participation"<sup>3</sup>

To function effectively and in order to exist as a viable unit, local government should be given sufficient responsibilities carrying on activities of local nature. Most writers are agreeable that matters like education, fire-protection, the provision of basic utilities like electricity and water, housing and provision of industrial infrastructure among others, should come under the responsibility of local government. It is argued that unless local participation is brought into general areas of development, local indifference and pessimism would result and this non-acceptance would inevitably reduce the success or even ensure the failure of development projects. All development projects require the co-operation of the masses and once the people sense that projects are being imposed from above, this vital

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<sup>3</sup>H.F. Alderfer: Local government in Developing Countries. (Mc Graw-Hill Book Co. 1964) Pages 175 - 176.



co-operation will be held back. The problem is made more complex by the fact that the choice is not merely between centralisation and decentralisation. It is more a question of the degree of decentralisation. And not only is it difficult to determine the types of activities that should be made the responsibility of local government but perhaps more serious, it is also difficult to determine the most effective and efficient level of local government that should deal with a particular service or activity for a particular country. To quote Alderfer again: "There must be some administrative subdivisions or local units through which governmental power may be deconcentrated or decentralised. On the other hand if there is to be a nation in fact, it is just as impossible to administer everything locally. The problem therefore is to find the best working arrangement between extreme centralisation and extreme decentralisation."<sup>4</sup> Malaysia as other developing countries have problems of its own and practices found suitable in developed countries may not, and usually are not, suitable to be fully adopted. Faced with the serious problem of preserving national unity, lack of resources and personnels, and the ever increasing expectations of an already impatient population, it may not be wise for this country to adopt decentralisation to the degree practised in developed countries. Each country should

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<sup>4</sup>Harold F. Alderfer: Local Government in Developing Countries (Mc Graw-Hill Book Co. 1964).



and must devise a system to suit its existing conditions and future needs. The all-purpose local government is therefore not suitable. In fact to ensure the best use of scarce resources, centralisation is more often resorted to and wherever decentralisation is practised, especially in the field of development, it is rarely extended below the level of state governments. The exceptions, of which the existence of the different levels of Development Committees are most obvious, are however important.

#### Development in the State of Perak

The structure of the development machinery in the state of Perak like virtually in all States of Malaysia is complex because of the involvement of two levels of government - the State and the Federal governments. Both the State and Federal governments are involved in the development of educational facilities,<sup>5</sup> in the construction of roads and in the opening up of lands for agricultural uses. The activities of the Federal government in the general field of development in the State is mainly co-ordinated by the State Development Committee under the Chairmanship of the Menteri Besar and with the State Development officer as Secretary. It is relevant to point out here that the State Development officer is a Federal officer serving in a regional office of a Federal Ministry namely the Ministry of National and Rural Development. The State Development Committee is a big

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<sup>5</sup> Education is a Central governments' responsibility but State government is active in the field of religious education.



committee with membership spreading from members of the State Executive Council to heads of major government departments in the State, concerned with development like the Public Works Department, Drainage and Irrigation Department and Agricultural Department. The Committee is concerned with both planning and implementation and the work of the various State Committees are nationally integrated by the National Committee on Development.

Below the State Development Committee are the District Development Committees chaired by the respective district officers. District Committees are mainly concerned with implementation. In Perak there are eight such District Committees coinciding with the number of districts in existence. The Chairmen of the District Development Committees are not permanent members of the State Development Committees but may be separately co-opted whenever the affairs of a particular district is discussed. Lower level committees are not relevant to our discussion.

As has been indicated in earlier paragraphs, the Development Committees at state and district levels are part of the hierarchy in the National Development structure and they are under the overall responsibility of the Ministry of National and Rural Development which also provide the financial resources. This is a clear example of a deliberate attempt to bring in local participation into development activities much in line with what has been said earlier on.

Development activities in the State are however



not confined to projects undertaken by the Development Committees alone. The State government is also active in the field of development either independently or in co-operation with the Central Government or local authorities. And, of course, there is the vital role of the private developers.

Taiping is totally enclosed by the District of Larut and Matang which has its administrative centre in Taiping itself. Taiping is peculiar in the sense that in certain matters it is considered as being part of the District of Larut and Matang while in other matters it exists as an independent entity. For example land within the Council boundry is not the responsibility of the Council but that of the land office, Larut and Matang District. This has wide implication since the Council has no control over what should be among its most precious resources - land. For any development that require the use of land - it is hard to think of any that does not - the approval of the Land Office is necessary.

There is no development committee within Taiping itself but there is of course a Committee for the District of Larut and Matang. The Chairman of Taiping Town Council is not a member of the Committee though he may be called upon to attend. Thus the development of Taiping lies outside the structure of the general hierachy of the established developmental committees. This could, in part, be explained by the fact that direct governmental participation in



development projects have been largely confined to the rural agricultural sector while in the urban/business/industrial sector the government merely provides the basic infrastructure, leaving the main activities virtually entirely to private initiatives.

#### General Observations

From what has been said in Chapter II (see particularly the section on the types and nature of existing Committees) and Chapter III (the departmental or sectional division of the executive machinery) it is clear that the major part of the activities of the Council is concerned with the supervision and maintenance of existing facilities. This fact is made clearer by reviewing the contents of Appendix I. Briefly the Council is concerned with urban services like roads, traffic, street-lighting, refuse and night soil collection, storm-drainage, markets and abattoirs, food inspection and licensing, control of trades and street sellers, the maintenance of parks and gardens, etc. Also the Council is involved in low-cost housing, running of the zoo, town planning and building control. Only a few of these activities could be classified as developmental in nature. To get a better picture of the developmental activities of the Council, it is best to examine the Council's Development Estimates for 1962 and 1963 which is shown in Appendix III. The only developmental activities worthy of mention that has been carried out by the Council in the last two years are the construction of roads and drains (some



CHAPTER VI  
DEVELOPMENTAL ACTIVITIES OF THE COUNCIL

General Observations

From what has been said in Chapter II (see particularly the section on the types and nature of existing Committees) and Chapter III (the departmental or sectional division of the executive machinery) it is clear that the major part of the activities of the Council is concerned with the supervision and maintenance of existing facilities. This fact is made clearer by examining the contents of Appendix I. Briefly the Council is concerned with urban services like roads, traffic, street-lighting, refuse and night soil collection, storm-drainage, markets and abattoirs, food inspection and licencing, control of trades and street sellers, the maintenance of parks and gardens, etc. Also the Council is involved in low-cost housing, running of the zoo, town planning and building control. Only a few of these activities could be classified as developmental in nature. To get a better picture of the developmental activities of the Council, it is best to examine the Council's Development Estimates for 1968 and 1969 which is shown in Appendix III. The only developmental activities worthy of mention that has been carried out by the Council in the last two years are the construction of roads and drains (some



people may even dispute whether these activities could be classified as developmental!). Also it is particularly significant that no fresh allocation of funds were made for the year 1969 Development Estimates. The financial requirements were derived wholly from unspent balance from 1968 as shown in the Appendix referred to above.

From time to time the Council undertakes some major development work and in the recent past it had undertaken two major projects namely the construction of low-cost housing and the establishment of an ambitious zoo to foster the growth of the tourist industry. Even after considering these projects it is still striking to note the general lack of activity in the field of development of the town. Taiping is always related with the development of the Kemunting Industrial Site but in actual fact the Taiping Town Council has little to do with the project. It is the project of the State government and even the area of Kemunting itself lies outside the Council boundary.

#### Factors Limiting the Council's Activities

There is no dispute of the fact that the Council is ill-fitted to undertake major development projects. Under existing arrangements, the Council could not take on responsibilities other than the supervision and maintenance of existing services as listed in Appendix I and minor development projects such as the construction of roads and drains.

Taiping as a geographical unit covers an area of merely nine square miles though it has a respectable popula-



tion of some 60 - 70,000. Clearly if units of this size are to be given autonomous developmental powers, there would result a tremendous problem of co-ordination and integration at state and, particularly, national levels and this raises the question of whether it would be practical for the attainment of national goals. It may be argued that the Council could undertake minor development projects which would help to solve local problems and which require little integration at state or national levels like housing, the provision of electricity and water supply and the construction of local roads. There are in existence in this country local authorities which have undertaken these activities and Taiping itself have been directly involved at one time or other with the construction of roads and low-cost housing. But Taiping has never been directly concerned with the supply of water or electricity.

There are many important factors limiting the developmental activities of the Council. Firstly there is the question of strategy. Except in the limited field of essential services, the government has been reluctant to play an active role in urban development. This is in line with the free enterprise concept which is generally accepted and practised in this country. Another aspect in the question of strategy is the fact that in a country, the size of Malaysia, perhaps the "built-in" local government - the various states that make up the Federation - is sufficiently low for effective and meaningful planning and implementation.



Grass-roots representation and participation are already available at state level and therefore as far as development is concerned, local authorities are redundant and unnecessary.

The second, and growing, problem of finance is more important. For some years now, the Council's revenue has been at a static figure of around \$1.8 million, of which \$0.5 million comes from contributions principally from the State and Federal governments. In fact estimated revenue of 1969 showed a drop of nearly \$200,000.00 as compared to that of the previous year. The main sources of revenue (other than contributions) are from rates and licences which together account for almost \$1.0 million in 1969, and revenue from these two services cannot and should not be expected to rise to any great extent. Other sources of revenue, too, have been almost at a standstill. In addition the Council in recent years have lost two major sources of revenue firstly when the state government took over the licencing of Public Amusements and secondly when the collection of water rates was taken over by the P.W.D. The latter activity alone used to furnish the Council more than \$60,000.00 per year in commission at the rate of 5%. The expenditure is likely to increase in the future even without the Council undertaking major development projects. The maintenance of the zoo alone is costing the Council around \$30,000.00 per year. The Council's financial prospects certainly appears rather dim. The seriousness of the problem is made worse by the fact that the Council has in its reserve only \$254,868.61



at the end of 1968. ~~It is~~ himself could reasonably be

The Council has no ready way of raising additional revenue not only because it has to obtain prior agreement of the State government but more serious because the people are less willing to submit to local than national taxes. (For example at the end of 1968, arrears from general assessment alone totalled \$104,747.65.) The only solution to the problem appears to be greater reliance on state and central governments' aids. But greater dependence on central and state governments' funds would inevitably increase the already considerable outside control over the activities of the Council even to the extent of having either the State or Central government determine what kinds of developmental activities that the Council should or should not undertake.

The third limiting factor is the question of personnel. The composition of the Councils' staff and the general set-up of the Council is not geared towards development. Detailed discussion on this topic was made in Chapter III. Here it is sufficient to note that the prospects and terms of service are such that the Council finds it difficult to attract and to retain good quality officers. The situation could perhaps be remedied by creating a common service among local authorities employees or by making some arrangements with the State or Federal government about the secondment of officers to local authorities. These will take time to materialise and the short term prospects are anything but bright. At the moment perhaps only the Town



Engineer and the Chairman himself could reasonably be classified as being development oriented. If the Council is to undertake major development projects, the officers will have to carry a greater burden of responsibility, besides having to be more specialised and better qualified not only to be able to implement the development plans but also to provide the advisory services to the Council members for the formulation of development plans. Therefore it follows that the system of organisation, and, vitally important, the composition of the officers, of the Council must be altered. Considering its financial resources, it is not within the capacity of the Council to carry out this change and considering the role of the State and Federal governments in the field of development and the generally accepted economic strategy (about the role of private developers) elaborated in earlier paragraphs, it is not necessary for the Council to undertake this change.

### Conclusions

Taiping Town Council has little scope to play its full role in the development of the Council area. Because of the lack of financial resources and trained personnels, with rare exceptions, it has not been able to undertake major development projects and it is not likely that it would be able to do so in the near future without the assistance or either the State or Federal government or both. Although there is some vagueness in the minds of senior officials of the Council in regard to the exact extent that the Council



should allow itself to be directly involved in development, there nevertheless exists an atmosphere of determination to motivate the Council to play a more dynamic role in the development of its area. Sadly enough this determination is not matched by the Councils' capacity to undertake major projects and the near future the Council is not likely to be able to do anything more than to continue to provide existing, urban services and undertake a few minor development projects.

The future of Taiping lies as much in the hands of the State and Federal governments, and private developers, as in the hands of the Council itself.



(viii) garages or used for repairing, painting, storing or housing motor vehicles, except garages or places houses for housing motor vehicles kept for private use only.

APPENDIX I

SECTION 15 OF THE TOWN BOARDS ENACTMENT

15. (1) The powers in this Enactment conferred upon a Town Board or upon a Chairman may be exercised for the following purposes:

- a. the regulation and control of buildings and building operations, and in the discretion of the Board the prohibition of the erection of a building of a particular class, design, or appearance in particular districts, localities or streets or portions of streets within a Town Board area;
- b. the laying out, maintenance, control, and supervision of reserves for recreation and other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out of new streets and the cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections; the numbering of houses, and the naming of streets;
- c. the control and supervision by registration, licensing or otherwise, including in proper cases the prohibition, of
  - (i) latrines, sanitary fittings and conveniences, sewage tanks and disposal plants, cess-pools and dust bins,
  - (ii) drains, wells, water-tanks and cisterns,
  - (iii) stables and cattle-sheds and places for keeping sheep, goats, swine or poultry,
  - (iv) cow-houses and dairies,
  - (v) the sale of water, fresh provisions and milk,
  - (vi) bakeries, laundries, and street stalls,
  - (vii) common lodging-houses, eating-houses, coffee shops, jinrikisha depots and premises where jinrikisha-pullers reside, theatres, native inns and other places of public resort,



- (viii) garages and places kept or used for repairing, painting, storing or housing motor vehicles, except garages or places used in connection with private dwelling-houses for housing motor vehicles kept for private use only,
- (ix) persons who hawk food-stuffs,
- (x) persons who sell articles of food in markets;
- (xi) barbers' shops, itinerant barbers and the carrying on the business of a barber,
- (xii) premises used or represented as being or intended to be used for the reception of persons requiring massage, manicure, chiropody, light electric vapour or other baths or other similar treatment (hereinafter referred to as massage establishment) but not including-
  - (a) any hospital, infirmary, institution, nursing home or establishment maintained or controlled by a government department or the Town Board;
  - (b) any hospital, institution, nursing home or other similar establishment licensed as such under the provisions or any other written law;
  - (c) any premises used for the purposes of hairdressing which are massage establishments within the meaning of this Enactment merely by reason of face or scalp massage or manicure treatment being administered to female customers only or being administered on such premises in full view of all customers resorting thereto.
  - (d) the registration of all persons carrying on the trade of cow-keepers, dairy-men or purveyors of milk, and securing the cleanliness of cow-sheds and milk-shops or other places where milk is kept for sale and milk-vessels and utensils used by such persons, and prescribing precautions to protect milk against infection and contamination;
  - (e) the establishment and regulation of public markets and the licensing and regulation of private markets, and if the Board shall think fit the pro-



- hibition of the sale within a certain radius from a public market of any articles of the kind sold in such market;
- (f) the regulation of public bathing places, including the power to charge fees for the use of or to lease the same;
  - (g) the establishment and regulation of slaughter-houses including
    - (i) the sanitary inspection of animals before being slaughtered and of their carcasses,
    - (ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased,
    - (iii) the slaughtering with or without compensation of diseased animals brought to be slaughtered,
    - (iv) the disposal of the carcasses of diseased animals which were slaughtered or died on premises under the control of a Town Board,
    - (v) the marking of the carcasses of animals slaughtered in slaughter-houses under the control of a Town Board to denote that such animals have been so slaughtered,
    - (vi) the fixing of fees to be charged for the use of slaughter-houses under the control of the Town Board, including, if the Board shall think fit, the grant to particular persons of the exclusive right to provide or slaughter any particular description of beast for human food, and
    - (vii) the control of vehicles used for the transport of carcasses and the fixing of fees to be charged for transport when such vehicles are provided by the Board;
  - (h) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions found within a Town Board area or exposed for sale therein;
  - (i) the collection, removal and disposal of nightsoil, dung, trade and garden refuse and other filth, including, if the Board shall think necessary, the publication



- (11) (a) of Rules making it compulsory on all persons who may require night-soil buckets to buy such buckets from the government;
- (j) the prevention and abatement of nuisances and the regulation and if necessary the prohibition within a Town Board area of dangerous or unhealthy or offensive trades or occupations, and the prescribing of the limits within a Town Board area in which such trades or occupations may be carried on;
  - (k) the regulation, restriction or prevention of the exhibition of advertisements;
  - (l) the prescribing of the localities within which cattle, swine or poultry may be kept;
  - (m) the prevention and removal of obstructions in the streets and in the verandahs or footways;
  - (n) the require or removal of ruinous or dangerous buildings and the removal of occupants therefrom;
  - (o) the examination of the bodies of dead persons, and the certification of the cause of death in cases where the cause of death has not been certified by a duly qualified medical practitioner;
  - (p) the prevention and abatement of malaria, and of places favourable to the breeding of mosquitoes;
    - (i) the provision and maintenance of places for the parking of motor vehicles and the acquisition of land necessary for such purpose;
    - (ii) the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants;
    - (iii) the acquisition, whether by purchase, lease or otherwise and the provision and furnishing of halls, offices and other buildings to be used for the purpose of transacting the business of the Board and for public meetings, assemblies and entertainment of any kind.
  - (q) all other matters whether similar or not to those above mentioned connected with the conservation and the improvement of



the Town Board area.

- (11) (a) A Town Board may in its discretion resolve to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as it may be by-law provide, and may charge fees therefor. Any such resolution may from time to time be varied or rescinded.

a. Finance Committee:  
Chairman:  
Composition:

b. Traffic Committee:

- (b) Such fees shall be payable by the person to whom such septic tank or other sewage purification plant belongs and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

c. Markets, Street Stalls and Vendors Committee:

- (c) A Town Board may subject to the provisions of the next succeeding section make by-laws prescribing the extent to which it shall take over such control supervision, maintenance and repair and for the regulation thereof and prescribing the fees to be charged.

Chairman: Town Planner, Perak, the Medical Officer and seven Councillors.

d. Tender Committee:

Chairman: Council Chairman  
Composition: Chairman and six Councillors

e. The Valuation Committee:

Chairman: Council Chairman  
Composition: Chairman and five Councillors.

f. Valuation Appeals Committee:

Chairman: Council Chairman  
Composition: Chairman and four Councillors.

g. Standing Orders Committee:

Chairman: Council Chairman  
Composition: Chairman and four Councillors.

h. Low Cost Housing Scheme Committee:

Chairman: Council Chairman  
Composition: Chairman and six Councillors.

i. Selection and Disciplinary Committee:

Chairman: Council Chairman  
Composition: Chairman and five Councillors.

j. Zoo and Lake Gardens Committee:

Chairman: Council Chairman  
Composition: Chairman and four Councillors.



## APPENDIX II

### LIST OF COMMITTEES FOR 1969

- a. Finance and General Purposes Committee:  
Chairman: Council Chairman  
Composition: Chairman and eight Councillors
- b. Traffic Committee:  
Chairman: Pachik bin Ahmad (Independent)  
Composition: Chairman and seven Councillors  
In Attendance: Town Engineer, Army Representative,  
Police Represent.
- c. Markets, Street Stalls and Hawkers Committee:  
Chairman: Pachik bin Ahmad  
Composition: Chairman, Larut and Matang Medical  
Officer and seven Councillors.
- d. Town Planning and Building Committee:  
Chairman: Council Chairman  
Composition: Chairman, Town Planner, Perak, the  
Medical Officer and seven Councillors.
- e. Tender Committee:  
Chairman: Council Chairman  
Composition: Chairman and six Councillors
- f. The Valuation Committee  
Chairman: Council Chairman  
Composition: Chairman and five Councillors.
- g. Valuation Appeals Committee:  
Chairman: Council Chairman  
Composition: Chairman and four Councillors.
- h. Standing Orders Committee:  
Chairman: Council Chairman  
Composition: Chairman and four Councillors.
- i. Low Cost Housing Scheme Committee:  
Chairman: Council Chairman  
Composition: Chairman and six Councillors.
- j. Selection and Disciplinary Committee:  
Chairman: Council Chairman  
Composition: Chairman and five Councillors.
- k. Zoo and Lake Gardens Committee:  
Chairman: Council Chairman  
Composition: Chairman and four Councillors.



1. Committee to sign deeds, documents, etc.

Chairman: Council Chairman

Composition: Chairman and three Councillors.



APPENDIX III  
MAJLIS BANDARAN, TAIPING PERANGGARAN PEMBANGUNAN, 1969  
TAIPING TOWN COUNCIL DEVELOPMENT ESTIMATES, 1969

Bil. Perkara Item No.	Tajok Title	Peruntukan Asal 1968 Original Provision 1968	Banyak-nya yang ada 1968 Actual Amount available in 1968	Peranggaran Perbelanjaan 1968 Estimated Expenditure 1968	Peranggaran 1969 Estimates 1969	Kenyataan Remarks
1.	Membaiki 'Am kapada Taman Tasek dan Zoo General Improvements to Lake Gardens and Zoo	15,233	15,233	-	15,233 )	
2.	Lorong2 Belakang dan Kerja2 Membena Parit Bandar Back Lanes and Town Drainage Works	70,000	73,785	29,350	44,435 )	
3.	Membaiki 'Am kapada Lampu Jalan General Improvements to Street Lighting	10	954	-	954 )	
4.	Perkakas2 Majlis (Wokshop Motor, Tempat Simpan Kenderaan Wokshop Pertukangan dan Setor Pusat) Council Installations (Motor Workshops, Garages, Carpentry Workshop and Central Store)	-	2,944	1,000	1,944 )	
5.	Jalan2 dalam Kawasan Perusahaan Rengan, Tupai Roads in Light Industrial Area, Tupai	10	10	-	10 )	Peruntukan untuk tahun 1969
6.	Jam Besar Taiping Taiping Clock Tower	10,000	17,572	12,349	5,223 )	yang di-dapati sebagai baki
7.	Rumah2 Pangsa Harga Murah Low Cost Flats	10	10	-	10 )	yang tidak di-belanjai lang-
8.	Pejabat Majlis Bandaran dan Dewan Majlis Town Council Office-cum-Council Chamber	10	10	-	10 )	sang daripada tahun 1968.
9.	Membaiki keadaan Pasar di-Jalan Simpang, Taiping Improvements to Market at Simpang Road, Taiping	20,000	20,000	-	20,000 )	Provision for 1969 completely
10.	Pasar Besar Taiping Taiping Central Market	10	10	-	10 )	found from unspent balance
11.	Rumah2 Dhobi Bahru New Dhoby Lines	10	10	-	10 )	from 1968.
12.	Melebarkan Pintu Keretapi di-Lintasan Rata Assam Kumbang Widening of Railway Gate at Assam Kumbang Level Crossing	10	10	-	10 )	
13.	Panchutan Ayer di-Bulatan Jalan2 Simpang/Kota/ Jalan Besar Fountain at Simpang/Kota/Main Roads Round-a-bout	-	5,962	2,088	3,874 )	
14.	Panchutan Ayer di-Bulatan Jalan2 Steshen/Assam Kumbang Fountain at Station/Assam Kumbang Roads Round-a-bout	10	10	-	10 )	Peruntukan untuk tahun 1969
15.	Ranchangan Rumah Harga Murah untuk Pekerja2 Majlis Bandaran Low Cost Housing Scheme for Town Council Employees	10	10	-	10 )	yang di-dapati sebagai baki
16.	Menutup Parit2 dalam Kawasan Majlis Bandaran Covering of Drains in Town Council Area	12,575	36,727	17,607	19,120 )	yang tidak di-belanjai lang-
17.	Pembinaan Jalan2, Parit2 dsb. Construction of Roads, Drains, etc.	150,743	147,617	70,000	77,617 )	sang daripada tahun 1968.
18.	Membaiki keadaan Jalan2 Improvements to Roads	60,000	60,000	-	60,000 )	Provision for 1969 completely
JUMLAH/TOTAL ..		338,641	380,874 *	132,394	248,480	found from unspent balance

\* Jumlah di-kira seperti berikut:

\* This amount is made up as follows:

Baki di-bawa kahadapan pada lhb Januari, 1968 .. .. \$265,873.86  
Balance brought forward as on 1st January, 1968

Tambah/Add:

Peruntukan di-buat dalam Peranggaran 1968 .. .. 115,000.00  
Provision made in 1968 Estimates

JUMLAH/TOTAL .. .. \$380,873.86



## LIST OF REFERENCES

There are few references on local government in Malaysia. The following books are useful for background reading. Those specifically referred to are listed in the footnotes.

1. Milne R.S: Government and Politics in Malaysia (Houghton Mifflin Co. Boston 1967).
2. Ministry of Housing and Local Government : Report of the Committee on the Management of Local Government. Vol. I (H.M.S.O. London 1967).
3. Jackson R.M. : The Machinery of Local Government (Macmillan 1967).
4. Robson W.A : Local Government in Crisis (Unwin Bros. Ltd. 1966).
5. Taylor W.C : Local Government in Malaya (Government Printer 1949).
6. Bedale H.: The Establishment Organisation and Supervision of Local Authorities in Malaya (Government Printer 1953).
7. Alderfer H.: Local Government in Developing Countries (Mcgraw Hill 1964).
8. Maddick H.: Democracy, Decentralisation and Development. (Asia Publishing House 1963)
9. The Town Board Enactment of the Federated Malay States (F.M.S Cap. 137) Compiled by Ong Beng Chye (with amendments). (Government Printer 1955).
10. Taiping Town Council By-Laws under the Town Board Enactment (F.M.S Cap. 137) Parts II to X (Oversea Chinese Printing Co. Taiping).
11. Taiping Town Council Annual Estimates, 1969 (Govt. Printer).